

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SHARON DENNIS)
)
v.) NO. 2:04-CV-13
)
NORTHEAST CORRECTIONAL COMPLEX,)
JOHNSON COUNTY, TENNESSEE, and)
WARDEN HOWARD CARLTON)

O R D E R

This Section 1983 case is before the Court to address a motion to dismiss pursuant to Rule 12(b)(1) and (6) of the *Federal Rules of Civil Procedure* for failure to state a claim upon which relief can be granted filed by the defendants Northeast Correctional Complex and Warden Howard Carlton. [Doc. 5]; however, the defendants rely on an exhibit, i.e. the claim form which the plaintiff filed with the State of Tennessee Division of Claims Administration. Because this exhibit is outside the face of the pleadings, the defendants' motion to dismiss

pursuant to Rule 12(b)(1) and (6) of the *Federal Rules of Civil Procedure* is improper. Accordingly, the defendants' Motion to Dismiss is **DENIED**.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE